

## **REMARKS**

Claims 11, 12 and 14-20 are currently pending in the present application after cancellation of claim 13. Claims 11 and 17 have been amended.

### **35 U.S.C. 112 Rejection**

The Examiner rejected claim 13 as failing to comply with the enablement requirement under 35 U.S.C. 112, first paragraph, because there is no description in the specification about determining a remaining parking trajectory. In order to expedite prosecution of present application, Applicants have canceled claim 13.

### **35 U.S.C. 103(a) Rejection**

Claims 11-20 have been rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 7,038,577 to Pawlicki et al. (the "Pawlicki reference") in view of U.S. Patent Publication No. 2002/0041239 by Shimizu et al. (the "Shimizu reference").

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112;

emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)). Moreover, if a proposed modification of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. In re Ratti, 270 F.2d 810, 123 U.S.P.Q. 349 (C.C.P.A. 1959).

Amended claim 11 recites, in relevant parts, “**determining an anticipated final parking position of the vehicle using at least one electronic sensor**; [and] determining an anticipated parking trajectory of the vehicle **using the anticipated final parking position of the vehicle determined by the at least one electronic sensor**.” Amended claim 17 recites substantially similar features as the above-recited features of amended claim 11. In contrast to the above-recited claimed features, neither Pawlicki nor Shimizu suggests **using an electronic sensor to determine an anticipated final parking position of the vehicle**, let alone suggest determining an anticipated parking trajectory of the vehicle **using the anticipated final parking position of the vehicle determined by the at least one electronic sensor**. Pawlicki merely teaches an edge detection algorithm to detect edges of objects in captured images, and in turn determines whether a vehicle or object is present based on whether the detected edges match the physical characteristics of vehicles or recognized objects so as to avoid any impending collision. Shimizu uses the turning radius of vehicle to assist a driver in backing into a parking spot from a fixed location, and to assist the driver in properly aligning the vehicle with the parking spot, Shimizu teaches placing a mark on the vehicle which the driver can use to line up the vehicle with the parking spot. However, nothing in Pawlicki and Shimizu suggests anything related to **determining an anticipated final parking position of the vehicle using at least one electronic sensor**, or determining an anticipated parking trajectory of the vehicle **using the anticipated final parking position of the vehicle determined by the at least one electronic sensor**.

For at least the foregoing reasons, claims 11 and 17, as well as dependent claims 12, 14-16 and 18-20, are allowable over Pawlicki and Shimizu.

**CONCLUSION**

In view of all the above, it is believed that the rejections of the claims have been obviated, and that claims 11, 12 and 14-20 are allowable. It is therefore respectfully requested that the rejections be reconsidered and withdrawn, and that the present application issue as early as possible.

Respectfully submitted,

KENYON & KENYON

 (P. NO. 36,197)

Dated: 8/25, 2008

By: SONG LEE for Gerard Messina  
Gerard A. Messina  
Reg. No. 35,952

One Broadway  
New York, New York 10004  
Phone: (212) 425-7200  
Fax: (212) 425-5288

**CUSTOMER NO. 26646**  
PATENT & TRADEMARK OFFICE